

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION**

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Michael Fink,

Court File No. 1:20-CV-222-DLH-CRH

Plaintiff,

vs.

**BNSF RAILWAY COMPANY'S  
MOTION FOR SUMMARY JUDGMENT**

BNSF RAILWAY COMPANY, a  
Delaware corporation,

Defendant.

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Pursuant to Fed. R. Civ. P. 56(a), Defendant BNSF Railway Company ("BNSF"), through its undersigned attorneys, hereby moves this Court for an Order as follows:

1. Granting BNSF's Motion for Summary Judgment in its entirety;  
and
2. Dismissing all of Plaintiff's claims in the above-entitled lawsuit,  
with prejudice.

This motion is supported by the corresponding Memorandum of Law and the Declaration of R. John Wells, with exhibits, both filed contemporaneously with this Motion. This Motion is also supported by the files, records, and proceedings already submitted in this matter.

Dated: April 27, 2023

HAWS-KM, P.A.

/s/ R. John Wells

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(Admitted to ND Federal Court)  
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And

**Ohnstad Twichell, P.C.**

/s/ Andrew D. Cook

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